

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission	:	
On Its Own Motion	:	
-vs-	:	
Choctaw Communications, LC	:	04-0133
d/b/a Smoke Signal	:	
Communications	:	
	:	
Citation for failure to file Annual	:	
Report.	:	

ADMINISTRATIVE LAW JUDGE'S PROPOSED ORDER

By the Commission:

On February 24, 2004, the Illinois Commerce Commission (the "Commission") entered an Order citing Choctaw Communications, LC d/b/a Smoke Signal Communications ("Respondent") for failure to file its Annual Report. A Staff report dated January 29, 2004 recounts that Respondent failed to file its 2002 Annual Report by April 1, 2003, as required by Section 5-109 of the Public Utilities Act and 83 Ill. Adm. Code 210. The Order directed Respondent to appear at the offices of the Commission in Chicago, Illinois on March 18, 2004, to show cause why the Commission should not rescind its certificate of service authority or take other action.

This matter came before a duly authorized Administrative Law Judge of the Commission at the designated time and place. Respondent failed to appear pursuant to notice. Counsel for the Commission Staff appeared and recommended that Respondent's certificate be revoked for failure to file its 2002 Annual Report based on the Respondent's failure to demonstrate sufficient managerial resources and abilities to provide intrastate telecommunications services. At the conclusion of the hearing, the record was marked "Heard and Taken."

The Commission, having reviewed the entire record, finds that the certificate granted to Respondent should be cancelled and revoked, because the Respondent does not possess the necessary managerial resources and abilities to provide intrastate telecommunications services in the State of Illinois.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the Certificate of Service Authority granted to Choctaw Communications, LC d/b/a Smoke Signal Communications is hereby cancelled and revoked.

IT IS FURTHER ORDERED that resolution of this citation proceeding does not relieve Respondent from the requirements of the Public Utilities Act to file annual reports or to pay any penalty for failure to do so.

IT IS FURTHER ORDERED that, subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

DATED:

April 8, 2005

BRIEFS ON EXCEPTIONS DUE:

April 22, 2005

REPLIES TO EXCEPTIONS DUE:

April 29, 2005

J. Stephen Yoder,
Administrative Law Judge